

THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:

ROBERT MATTHEW KNAPP  
XXX-XX-5759  
7434 BRENTCOVE  
DALLAS, TX 75214

DEBTOR

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CASE NO. 11-43433-R

CHAPTER 13

MOTION TO DISMISS AND SETTING HEARING

**THE TRUSTEE REQUESTS THE COURT TO SET THIS MOTION FOR HEARING ON February 15, 2017, AT 10:00 am AS FOLLOWS:**

**Plano Bankruptcy Courtroom  
Wells Fargo Bank Building  
660 North Central Expressway  
Plano, Texas 75074**

COMES NOW Carey D. Ebert, Chapter 13 Trustee, and files this Motion to Dismiss and Setting Hearing in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. The Debtor has unreasonably delayed the case because the Debtor has failed to make Chapter 13 plan payments as required by 11 USC §1326(a)(1). The Order Confirming Modified Plan entered December 17, 2015, provided for a 60 month term with final payment due on November 14, 2016. As of January 19, 2017, the Debtor is in arrears in the amount of \$1,897.50. Failure to perform this duty constitutes an unreasonable delay by the Debtor that is prejudicial to creditors under 11 USC §1307(c)(1) and amounts to a material default of a confirmed plan under 11 USC §1307 (c)(6).

WHEREFORE, PREMISES CONSIDERED, Carey D. Ebert, Chapter 13 Trustee, prays that this case be dismissed for cause.

Respectfully submitted,

/s/ Carey D. Ebert  
Carey D. Ebert, Chapter 13 Trustee, TBN 05332500  
Office of the Standing Chapter 13 Trustee  
500 North Central Expressway, Suite 350  
Plano, Texas 75074  
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion to Dismiss and Setting Hearing has been served upon the following parties in interest by mailing a copy of same to them via first class mail and uploaded to the Court for service by the Bankruptcy Noticing Center to the parties on the Court's mailing matrix on the date set forth below .

ROBERT MATTHEW KNAPP  
7434 BRENTCOVE  
DALLAS, TX 75214

GREG R. ARNOVE  
555 REPUBLIC DRIVE  
SUITE 200  
PLANO, TX 75074-5469

Dated: January 20, 2017

/s/ Carey D. Ebert

Office of the Standing Chapter 13 Trustee